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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,154	01/12/2000	Craig T. Hall	LEANP001	6622

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BEYER WEAVER & THOMAS LLP  
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EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/482,154

Applicant(s)

HALL ET AL.

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 40-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 40-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is the answer to the Amendment filed on August 18, 2004, which paper has been placed of record in the file.
2. Claims 76-86 have been canceled.  
Claims 1-22 and 40-45 are pending in this application.

### ***Response to Amendment/Arguments***

3. Applicant's arguments with respect to claims 1-22 and 40-45 have been considered but are moot in view of new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-11 and 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou et al (hereinafter Chou), U.S. Patent No. 6,035,289.

Regarding to claim 1, Chou discloses in a system for matching carrier capacities with shipper loads via a wide area network, a method for enabling a carrier to generate a bid for a shipper load (column 5, lines 38-44; a carrier generates an offer or bid for a shipper load. Note: Specification of the present invention page 4, lines 2-3, recites "carriers bid for loads tendered by shippers, shippers purchase the most attractive transportation service", that means, shippers tender or post the bid;

carriers submit bid or offer; the same in Chou, shippers post the bid, carriers submit offer), comprising:

selecting a plurality of units of capacity (column 5, line 63-column 6, line 5; the carrier selects a plurality of units of capacity he wants to sell, e.g. a number of containers or truckloads); and generating a bid for the shipper load (column 5, line 63-column 6, line 5; the carrier generates an offer included the transportation mode or group identifier).

Chou does not disclose assigning a group identifier to the plurality of units of capacity and using the group identifier for generating a bid. However, it is well known in the art to assigning a group identifier to the plurality of units. For example, assigning a name for a group contained a plurality of units, thus providing the user more easier to identifying the plurality of units in the group by calling the group's name instead of listing all the name of the units in the group. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Chou's to include the feature above for the purpose of providing more convenient and easier for the carriers submit offer based on the group identifier.

Regarding to claims 2, 3, Chou further discloses the units of capacity correspond to equipment identifiers defined by a carrier representative, the equipment identifiers correspond to at least one of trucking capacity, aircraft capacity, shipping capacity, and rail capacity (column 6, lines 1-5; the carrier also defines the transportation mode or equipment identifier, e.g. air freight, rail, for each of the carrier's offer for the units of capacity).

Regarding to claim 4, Chou further discloses generating a bid

comprises generating a plurality of bid entries, each of the bid entries corresponding to one of the units of capacity (column 6, lines 35-43 and column 5, line 63-column 6, line 5; each carrier can place one or more offers, each offer includes the units of capacity).

Claim 5 is written in computer program that parallel the limitations found in claim 1 above, therefore, is rejected by the same rationale.

Regarding to claim 6, Chou discloses in a system for matching carrier capacities with shipper loads via a wide area network, a method for bidding on a plurality of shipper loads, comprising enabling a carrier to generate a plurality of bids corresponding to the plurality of shipper loads (column 5, line 63-column 6, line 5; a carrier generates an offer or bid for a shipper load). Chou does not directly teach a carrier to generate a plurality of bids at the same time and each of the plurality of bids corresponding to a same unit of capacity. However, Chou does teach each of carries can play one or more offers (column 6, lines 35-40, and each of offers can have multiple alternative entries of transportation mode (column 6, lines 1-16), thus the same unit of capacity (containers or truckloads), different of transportation mode. Moreover, it is well known in the art that a bidder can submit a plurality of bids at the same time. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Chou's to allow a carrier generating a plurality of offers having different transportation modes for the same unit of capacity for the purpose of providing the choice of different transportation mode when generating an offer.

Regarding to claims 7, 8, Chou further discloses the units of capacity correspond to equipment identifiers defined by a carrier representative, the equipment identifiers correspond to at least one of trucking capacity, aircraft capacity, shipping capacity, and rail capacity (column 6, lines 1-5; the carrier also defines the

transportation mode or equipment identifier, e.g. air freight, rail, for each of the carrier's offer for the units of capacity).

Regarding to claim 9, Chou does not disclose in response to acceptance by a shipper representative of one of the plurality of bids, making all others of the plurality of bids unavailable. However, it is well known in the art of auction process that making all others of the plurality of bids unavailable upon accepting one of the plurality of bids. For example, today there exist many different auction websites in the Internet (e.g. eBay, yahoo, ubid, etc...), in the auction, the highest bid is accepted as a current highest bid and the item will be sold for the bidder who submitted the highest bid when the auction is closed, the others lower bids are marked as unsuccessful bids. Therefore, it would have been obvious to combine feature above with Chou's for the purpose of establishing competition among bidders.

Regarding to claim 10, Chou further discloses the same unit of capacity comprises a group comprising a plurality of units of capacity (column 5, lines 65-66; containers or truckloads).

Claim 11 is written in computer program that parallel the limitations found in claim 6 above, therefore, is rejected by the same rationale.

Regarding to claim 40, Chou discloses in a system for matching carrier capacities with shipper loads via a wide area network, a method for presenting information regarding a bid entered against a particular shipper load, the bid corresponding to a particular carrier capacity (column 6, 35-40 and column 5, lines 63-67; a carrier communicates with the clearinghouse via web site, email, telephone to submit offers including a number of containers or truckloads). Chou does not disclose communicating a number of shipper loads against which the particular carrier capacity is currently bid. However, it is well known in the art to communicate a number of items

against which the particular bidder is currently bid. For example, a bid history containing the bidder ID, time submitted bids, number of items against the available items.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Chou's to include the feature above for the purpose of establishing competition among bidders.

Regarding to claims 41-43, Chou further discloses the units of capacity correspond to equipment identifiers defined by a carrier representative; the equipment identifiers correspond to at least one of trucking capacity, aircraft capacity, shipping capacity, and rail capacity; the particular unit of capacity comprises a group comprising a plurality of units of capacity ((column 6, lines 1-5).

Regarding to claim 44, Chou does not teach the information includes a hyperlink, and a bid history related to the particular shipper load in response to selection of the hyperlink. However, Chou does teach the carrier communicate to submit offers to the clearinghouse via the clearinghouse's web site (see column 6, lines 35-43). Moreover, the user of hyperlink is well known in the art of accessing information via a web site over the Internet. Moreover, it is well know in the art of auction over the Internet that the user can select a particular product that contains the hyperlink which displays a product description and bid history related to the particular product (e.g. eBay, yahoo, ubid, etc...). Therefore, it would have been obvious to combine the feature above with Chou's for the purpose of providing bidding information to the bidding entities, e.g. a carrier, so they can easily to keep track of bidding information.

Claim 45 is written in computer program that parallel the limitations found in claim 40 above, therefore, is rejected by the same rationale.

6. Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over CAPS Logistics Inc. (CAPS Logistics), PR Newswire.

Regarding to claims 12, CAPS Logistics in a system for matching carrier capacities with shipper loads via a wide area network, a method for bidding on a plurality of shipper loads, comprising: generating a plurality of bids corresponding to the plurality of shipper loads, each of the plurality of bids corresponding to a same unit of capacity (page 1, lines 10-60). CAPS Logistics does not disclose where one of the plurality of bids is accepted, making all other of the plurality of bids unavailable and wherein the plurality of bids correspond to a single carrier. However, it is well known in the art of auction process that making all others of the plurality of bids unavailable upon accepting one of the plurality of bids. For example, today there exist many different auction websites in the Internet (e.g. eBay, yahoo, ubid, etc...), in the auction, the highest bid is accepted as a current highest bid and the item will be sold for the bidder who submitted the highest bid when the auction is closed, the others lower bids are marked as unsuccessful bids. Moreover, it is well known in the art that a bidder can submit the plurality of bids. For example, a bidder continuously submits a plurality of bids for the same item because the previous bids submitted is unsuccessful bids. Therefore, it would have been obvious to combine feature above with Chou's for the purpose of establishing competition among bidders.

Regarding to claims 13, 14, CAPS Logistics further discloses the units of capacity correspond to equipment identifiers defined by a carrier representative, the equipment identifiers correspond to at least one of trucking capacity, aircraft capacity, shipping capacity, and rail capacity (page 1, lines 12-22).

Regarding to claim 15, CAPS Logistics the same unit of capacity comprises a group comprising a plurality of units of capacity (page 1, lines 59-60).

Claim 16 is written in computer program that parallel the limitations found in claim 12 above, therefore, is rejected by the same rationale.

Regarding to claims 17, 21, CAPS Logistics in a system for matching carrier capacities with shipper loads via a wide area network, a method for generating a bid for a shipper load, comprising: generating the bid and the additional bids for the shipper load (page 1, claims 35-60). CAPS Logistics does not disclose designating a currently unavailable unit of capacity, the bid and the additional bids being identified as a future bid; and when the currently unavailable unit of capacity becomes available, updating the bid to a current bid. However, it is well known in the art of auction to submit a future bid on an unavailable product, and the future bid will become the current bid when the product is available. Therefore, it would have been obvious to combine the feature above with CAPS Logistics's for the purpose of allowing the carrier submit future bids on unavailable unit of capacity.

Claims 18-20 contain similar limitations found in claims 13-15 discussed above, therefore, are rejected by the same rationale.

Claim 22 is written in computer program that parallel the limitations found in claim 17 above, therefore, is rejected by the same rationale.

### ***Conclusion***

7. Claims **1-22 and 40-45** are rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

**9. Any response to this action should be mail to:**

Commissioner of Patents and Trademarks  
c/o Technology Center 3600  
Washington, D.C. 20231

**or faxed to:**

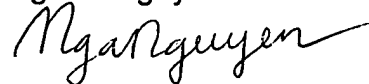
(703) 872-9326, (for formal communications intended for entry)

**or:**

(703) 308-3961 (for informal or draft communications, please  
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



November 10, 2004